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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**REGION 5****77 W. JACKSON BLVD****CHICAGO, IL 60604****12 DEC 2012****MEMORANDUM**

SUBJECT: Action Memorandum: Request for Approval of a Removal Action at the Pierson Road Site (SSID # C5J4) located in Flint, Genesee County, Michigan 48504

FROM: Brian Kelly, On-Scene Coordinator
Emergency Response Section 2

THRU: Mindy Clements, Chief
Emergency Response Section 2

TO: Jason H. El-Zein, Chief
Emergency Response Branch 1

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the selected removal action taken at the Pierson Road Site located in Flint, Genesee County, Michigan 48504 ("the Site") and a ceiling amount not to exceed \$30,000. The removal was required to address more than 500 containers of waste, including flammable and corrosive wastes, abandoned at the Site. On August 28, 2012, Branch Chief Jason El-Zein verbally approved \$30,000 to conduct the response.

The Action Memorandum, if approved, will serve as authorization for expenditures by the U. S. Environmental Protection Agency (EPA), as the lead technical agency, for actions described herein to abate the imminent and substantial endangerment posed by hazardous substances at the Site. The response actions were conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC 9604(a)(1), and 40 CFR Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to abate the immediate threats posed to public health and/or the environment.

The presence of unsecured hazardous substances present at the Site required that this action be classified as an emergency removal action. The project required approximately seven on-site working days to complete.

There are no nationally significant or precedent setting issues associated with the Site. The site is not on the National Priorities List (NPL).

II. SITE INFORMATION

A. Site Description

Site Name: Pierson Road Site

Superfund Site ID: C5J4

Location: 4300 W. Pierson Road, Flint, MI 48504

Lat/Long: 43.0609120, -83.7648789

Category: Emergency Response

B. Site Background

1. Removal site evaluation

Between September 10 and October 1, 2012, at the request of the Genesee County Landbank, EPA mobilized to the Pierson Road Site to conduct the emergency removal of more than 500 containers of abandoned waste including flammable and corrosive wastes. The response was initiated after the County took possession of the property through tax foreclosure and conducted an inspection of the property.

2. Physical location and Site characteristics

The site is 4300 W. Pierson Road, Flint, MI 48504. The geographic center of the site is Long/Lat 43.0609120, -83.7648789.

The site is an abandoned 500 room Ramada Inn. When the site was abandoned in 2006, the owners left behind chlorine, insecticide, several hundred 1-gallon pails of flammable paint and varnish, and cleaning chemicals.

The area surrounding the Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to EPA Region 5. This Site is in a census tract with a score of 4 (Attachment 2). Therefore, Region 5 does not consider this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information.

3. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

More than 500 chemical containers were abandoned at the facility, many of which were labeled as corrosive, ignitable, and insecticides. Corrosive wastes are considered hazardous under 40 CFR 261.22, ignitable wastes are considered hazardous under 40

CFR 261.21, pesticides (insecticide) are considered hazardous waste under the definition of universal waste found at 40 CFR 273.9. The Site was unsecured. There was evidence of people living in the abandoned building and several fires have occurred at the site. Many of the windows are missing from the building and water is leaking through the roof.

III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.

The response was initiated after the County found more than 500 containers of waste abandoned at the site. The containers included corrosive, ignitable, and universal wastes.

B. Check applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:

The conditions at the Site presented a substantial threat to the public health or welfare, and the environment, and met the criteria for a time-critical removal action as provided for in the NCP, 40 CFR 300.415(b)(2). These criteria include, but are not limited to, the following:

☒ Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].

☐ Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].

☒ Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].

☐ High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].

☒ Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].

☐ Threat of fire or explosion [300.415(b)(2)(vi)].

☒ The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].

☐ Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known hazardous substances on-site, and the potential exposure pathways described in Sections II and III above, actual or threatened

releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this memorandum, may have presented an imminent and substantial endangerment to public health, or welfare, or the environment.

V. SELECTED REMOVAL ACTIONS AND ESTIMATED COSTS

A. Situation and Removal Actions to Date

1. Current Situation

Removal is complete.

2. Removal activities to date

EPA secured the waste containers, lab-packed the materials, and sent them off-site for disposal. The removal action took seven on-site days to complete.

The response actions described in this memorandum directly addressed actual or potential releases of hazardous substances on-site which may have posed an imminent and substantial endangerment to public health, or welfare, or the environment. Specific removal activities on-site included:

- 1) Developing and implementing a site Health and Safety Plan and Work Plan;
- 2) Conducting chemical sweeps of the building;
- 3) Characterizing, removing, and properly disposing of waste containers in accordance with EPA's Off-Site Rule (40 CFR § 300.440).

The removal action was conducted in a manner not inconsistent with the NCP. The OSC initiated planning provisions for post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. Removal for off-site disposal of chemical containers has eliminated the need for post removal site control.

The threats posed by uncontrolled substances considered hazardous meet the criteria listed in NCP § 300.415(b)(2), and the response actions proposed herein were consistent with any long-term remedial actions which may be required. Elimination of hazardous substances, pollutants and contaminants that posed a substantial threat of release eliminated substantial requirements for post-removal site controls.

All hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal were treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

The response actions described in this memorandum directly addressed the actual or threatened releases of hazardous substances, pollutants or contaminants at the Site which posed an imminent and substantial endangerment to public health or welfare or to the environment. These response actions did not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

3. Enforcement

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

Direct Costs	+	(Indirect Costs)	= Estimated EPA Costs
(\$30,000 + \$3000)		[(61.61) x (\$33,000)]	for a Removal Action
			\$53,331

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$53,331

B. Planned Removal Actions

1. Proposed action description

N/A

2. Contribution to remedial performance

The removal action will not impede future actions based on available information.

3. Applicable or relevant and appropriate requirements (ARARs)

All applicable, relevant, and appropriate requirements (ARARs) of Federal and State laws were complied with to the extent practicable considering the emergency exigencies of the circumstances.

4. Project Schedule

These activities required approximately 7 working days to complete.

C. Estimated Costs

REMOVAL ACTION PROJECT CEILING ESTIMATE	
Extramural Costs:	\$ 29,984
<u>Regional Removal Allowance Costs:</u>	
Cleanup Contractor Costs	
<u>Other Extramural Costs Not Funded from the Regional Allowance: START</u>	\$ 0
Subtotal	\$ 29,984
Total Removal Project Ceiling	\$ 29,984

An Independent Government Cost Estimate is included in Attachment 3.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the conditions at the Site including the nature of the hazardous substances and pollutants or contaminants documented on Site, the potential exposure pathways to nearby populations described in Sections II, III and IV above, and the actual or threatened release of hazardous substances and pollutants or contaminants from the Site, failing to take or delaying action may have presented an imminent and substantial endangerment to public health, welfare or the environment by increasing the potential that hazardous substances would have been released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. RECOMMENDATION

This decision document represents the selected removal action for the Pierson Road Site, Flint, Genesee County, Michigan developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the site (Attachment 1).

Conditions at the site met the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the completed removal action documented in this Action Memorandum.

The total project ceiling if approved will be \$30,000, of which an estimated \$30,000 was used for cleanup contractor costs. You may indicate your approval by signing below.

APPROVE: Jason H. El-Zein DATE: 12-12-2012
Jason H. El-Zein, Chief
Emergency Response Branch 1

DISAPPROVE: _____ DATE: _____
Jason H. El-Zein, Chief
Emergency Response Branch 1

Enforcement Addendum

Attachments 1. Administrative Record Index
 2. Region 5 EJ Analysis
 3. Independent Government Cost Estimate

cc: S. Fielding, U.S. EPA, 5104A
 (fielding.sherry@epa.gov)
 V. Darby , U.S. Department of Interior, **w/o Enf. Attachment**
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 D. Wyant, Director, MDEQ, **w/o Enf. Addendum**
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 B. Schuette, Michigan Attorney General, **w/o Enf. Addendum**
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NOT RELEVANT TO SELECTION OF

REMOVAL ACTION

ENFORCEMENT ADDENDUM

ENFORCEMENT SENSITIVE - DO NOT RELEASE -

NOT SUBJECT TO DISCOVERY - FOIA EXEMPT

PIERSON ROAD SITE

FLINT, GENESSEE COUNTY, MICHIGAN

OCTOBER 16, 2012

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ONE PAGE

ENFORCEMENT SENSITIVE

NOT APPLICABLE TO DISCOVERY

NOT RELEVANT TO SELECTION OF REMOVAL ACTION

ATTACHMENT 1

ADMINISTRATIVE RECORD FOR PIERSON ROAD SITE FLINT, GENESEE COUNTY, MICHIGAN

ORIGINAL
OCTOBER 2012

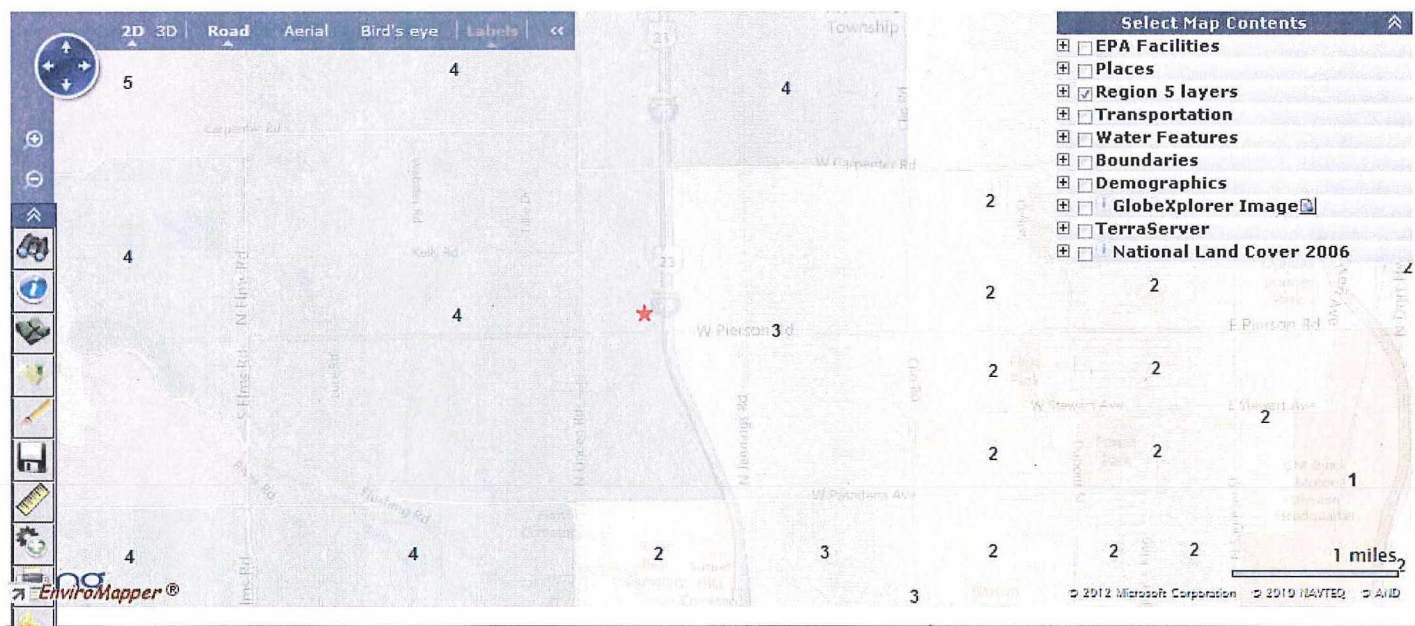
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	06/25/12	Weiland, D., Genesee County Land Bank Authority	U.S. EPA	Letter re: Request for Emergency Response Assis- tance at the Former Ramada Hotel w/Attached Asbestos and hazardous Materials Survey	237
2	10/01/12	Kelly, B., U.S. EPA	File	Pollution/Situation Report (POLREP #1) Initial and Final for the Pierson Road Site	4
3	09/25/12	U.S. EPA Reg. 5	File	Uniform Hazardous Waste Manifest for the Pierson Road Site	6
4	00/00/00	Kelly, B., U.S. EPA	El-Zein, J. U.S. EPA	Action Memorandum: Pierson Road Site (PENDING)	

PIERSON ROAD SITE
FLINT, MICHIGAN
DECEMBER 2012

Map Showing EJ SEAT Values For Surrounding Area

 Share

You are here: [ISS Mapping Apps](#) » [EJAssist Home](#) » [EJAssist Map](#)



ATTACHMENT 3

**DETAILED CLEANUP CONTRACTOR ESTIMATE
AND
INDEPENDENT GOVERNMENT COST ESTIMATE
FOR
PIERSON ROAD SITE**

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TWO PAGES

NOT RELEVANT TO SELECTION OF REMOVAL ACTION